

## Andrew Jackson to United States Senate, January 16, 1832, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

### TO THE UNITED STATES SENATE.<sup>1</sup>

<sup>1</sup> Handwriting of A. J. Donelson. This paper is not in Richardson's *Messages and Papers of the Presidents*, nor in the *Executive Journal of the Senate*. It was apparently not sent. Senator Ewing's resolution, Jan. 13, is *ibid.*, IV. 199.

Washington, January 16, 1832.

*To the Senate.* In the recent journal of the Senate, handed me by the Clerk on the 14th instant, I perceive a proposition made by Mr. Ewing, a Senator from Ohio, to inquire into the moral character of the Agent employed by me to negotiate treaties with the several bands of Indians residing within that state, connected with an inquiry into the fairness of the negotiations and the genuineness of the Treaties presented to the Senate.

Every member of the Senate has an undoubted right to suggest an inquiry into any fact connected with the negotiation of a Treaty which goes to make it void, as well as whether it be "truly engrossed". So much of the resolutions, therefore, as relate to these points, come within the legitimate power of the Senate. But it certainly seems extraordinary that in the absence of a whisper of complaint loud enough to be heard out of the Secrecy of the Senate, a *Senator from Ohio* should propose to *go in pursuit* of evidence to produce the rejection of arrangements so important to the interests and welfare of the State he represents. This consideration, however, does not impair his right to pursue so extraordinary a course.

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But from the leading resolution proposing the inquiry I am not permitted to suppose, that the rejection of the Treaties is the *only*, or indeed the *principal* object of the Senator from Ohio. He proposes first to inquire "Whether the agent employed by the Executive to negotiate the Treaties was a man in whose known probity and moral worth the nation has a sufficient guaranty that injustice has not been done to the Indians or imposition practised upon them by him in these negotiations."

Mr. Gardiner the agent referred to,<sup>2</sup> is not before the Senate. His character whatever it may be, does not in the slightest degree affect the validity of the Treaties. Were he the most abandoned wretch on earth, still the Treaties may have been fairly negotiated and correctly engrossed. If, therefore, it were conclusively proved that he is a bad man, that fact would in no manner affect the validity of the Treaties or enlighten the Senate in relation to their duties.

<sup>2</sup> James B. Gardiner signed a treaty with the Ottawa Indians on behalf of the U. S. Aug. 30, 1831, and another with the Wyandot Indians Jan. 19, 1832.

This resolution is not, therefore, intended as a means of gaining information affecting the validity of the Treaties. Its only possible effect will be to engage a secret committee of the Senate in investigating the moral character of a private citizen, to gratify private curiosity or a worse feeling; or it will stand on the journals without further action, a perpetual memorial implicating his acts and his fame. I cannot believe the Senate will be induced by any consideration to enter into an investigation of the "known probity and moral worth" of any of their fellow citizens who are not in nomination for office. It is surely enough, that the private characters of citizens should be handled without reserve or remorse when they appear before the Senate as candidates for some appointment. The Senate will not drag in others who are asking nothing at their hands, and employ their secret committees and agents, to hunt thro' society for charges to destroy their reputation and cover them with infamy. When this shall be, it will be time to burst open the doors of the conclave and let in the light. It will be time for the people to demand, why a body whom they have created

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to aid in promoting those measures which the public good demands, have converted themselves into an inquisition worse than the Spanish, intent only on the destruction of the men whom they hate or whom they fear. When this period arrives, if arrive it must, I hope the Executive may not render himself an accomplice in the injustice by concealing it from the people.

The character of the proposed inquiry forbids the idea that it will be countenanced by the Senate. But the resolution is embodied in the journal and there it will stand. If not counteracted, it may operate as an everlasting stigma upon Mr. Gardiner and those who appointed him. So much of it as may be intended to reach me is wholly disregarded. But Mr. Gardiner is otherwise situated. He is a poor man, undistinguished, and surrounded with a large and peculiarly helpless family. He has been once nominated for an office and rejected. Producing additional testimonials of character and ability, he was employed on a confidential service by the Treasury Department, which he performed with distinguished ability. He was then employed as an agent to negotiate Treaties with the Indian bands living within the state of Ohio, and has acquitted himself with great honor. On all hands and by all parties, the Treaties have been pronounced highly generous to the Indians, just to the state of Ohio which required this service from the General Government, and beneficial to the Nation. Not a suspicion of impropriety and not a whisper of dissatisfaction, had ever been heard of by the Executive, prior to the reception of this resolution. How is the man rewarded who has thus laboured for his country with singular ability and brilliant success? By another stab in the dark. No industry, no integrity, no splendid service can save him. Tho' not before the Senate and asking nothing at their hands, a committee is asked for to investigate his private character, to hunt up his foibles, to embody his errors, to ruin his rising reputation and cover him with infamy: or at least, he must stand stigmatized on the journals of the Senate as a man worthless and abandoned, whom the Executive had employed to cheat the Indians out of their homes, by deceptions, fraud and forgeries. This attack is not made in open day where men are responsible to the injured

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party and to their country: but in secret night, beneath a veil of sworn concealment which no mere citizen may be able to penetrate.

It is I who have unwittingly exposed Mr. Gardiner to this attack. I see the dagger, but he does not. Conscious I verily believe, of having rendered an essential service to his country and particularly to the State of Ohio, neither asking nor expecting any thing from the Senate, he reposes in the bosom of his family at the distance of many hundred miles, least of all things expecting that his services are to be rewarded by charges of entire depravity of character, deception, fraud and forgery, made by a citizen of the State he has served, and entered in perpetual testimony upon the journals of the Senate. It is therefore that I make this communication as a duty to the man whom I have exposed to unseen dangers; which I request may be entered on the journals together with the accompanying testimonial of Mr. Gardiner's "probity and moral worth" signed by many respectable citizens of Ohio of both political parties, as an antidote to the charges which have already been admitted.

I trust that this communication will not be misunderstood. The Executive acknowledges no responsibility to the Senate for the moral or religious character of the agents he employs. For the acts of those agents he is responsible only through an impeachment by the House of Representatives. Were the resolution for an inquiry into the moral character of Mr. Gardiner finally passed, and were he called on by the committee or by the Senate, he would not be bound to answer. If there be any who object to the time of this communication, let them reflect that its object, and its *only* object, is to repair a wrong already done to an agent of the Executive, and not to inform the Senate. The obligation to make it would not have been at all strengthened by the adoption of the proposed resolution, or weakened by its rejection.

I request that the testimonials referred to after being copied for the use of the Senate may be returned to the Treasury Department where they were originally filed.